

United States Court of Appeals For the First Circuit

No. 02-1640

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff, Appellee,

v.

MARTIN D. FIFE AND FAROUK KHAN,

Defendants, Appellants.

DENNIS S. HERULA, MARY LEE CAPALBO (AKA MARY LEE CAPALBO HERULA),
SEAVIEW DEVELOPMENT & HOLDINGS, LTD., MICHAEL CLARKE, ROBERT
WACHTEL, JOHAN HERTZOG, and CHARLES SULLIVAN,

Defendants,

and

DAVID ULLOM,

Relief-Defendant.

ERRATA SHEET

The opinion of this Court issued on November 6, 2002 is amended as follows:

The second sentence of the second full paragraph on page 8 is amended to read:

Unlike the Second Circuit, we have not removed irreparable harm from the preliminary injunction inquiry in SEC preliminary injunction actions. SEC v. World Radio Mission, 544 F.2d 535, 541-42 (1st Cir. 1976) (reversing the district court's finding that the denial of injunctive relief will not cause any harm to the public, irreparable or otherwise); see also SEC v. Lehman Bros., Inc., 157 F.3d 2, 9 (1st Cir. 1998) (finding that there was no obvious harm in allowing appellant lienholder to maintain the escrow allegedly secured by debtor through unlawful insider trading).